

REMARKS

Applicants thank Examiner Pryor for the helpful telephone interview conducted on December 19, 2006 by the undersigned representative to progress the application toward allowance. In accordance with the substance of the interview and in view of the foregoing amendments, Applicants respectfully request reconsideration of the present application.

Claims 36 and 43 are requested to be cancelled without prejudice or disclaimer thereof. No other claims are amended. After entry of the foregoing amendments, therefore, claims 35, 37, 38, 42, 44, and 45 will be pending.

During the interview, Examiner Pryor acknowledged Applicants' previous election in response to, and traversal of, the restriction requirement set forth in the Office Action mailed on June 28, 2006. According to the Examiner, by not further discussing the requirement in the present Office Action, and by allowing the claims, the restriction requirement is considered to be withdrawn or is at least now inapplicable.

Applicants gratefully acknowledge the PTO's express indications that claims 35, 37, 38, 42, 44, and 45 are allowed (Office Action Summary and at page 3). For the reasons below, the amendments to the claims moot the PTO's remaining concerns.

The PTO rejected claims 36 and 43 under 35 U.S.C. § 112, first paragraph for allegedly lacking enablement "for all other compounds that may improve the form of the composition." Office Action at page 2. While applicants disagree with the PTO's reasoning and conclusion, the rejection is moot in view of the cancellation of claims 36 and 43. Applicants therefore respectfully request the PTO to withdraw the rejection.

The PTO rejected claims 36 and 37 under 35 U.S.C. § 112, second paragraph for reciting the allegedly indefinite term "other components." *Id.* at page 3. During the interview, the Examiner helpfully clarified that claim 37 was intended to be rejected, in contrast to express indications of its allowability. According to the PTO, the term is not defined. *See id.* The rejection is moot as to cancelled claim 36, and Applicants respectfully traverse the rejection as it applies to claim 37.

During the interview, Applicants' undersigned representative pointed out, and the Examiner agreed, that claim 37 does in fact specify that "other components" are nonionic emulsifiers, co-solvents or mixtures thereof.¹ The Examiner concluded therefore that the term is not indefinite as stated in the Office Action. Applicants agree. Accordingly, Applicants request the PTO to withdraw the rejection.

Having once again satisfactorily resolved each of the stated issues, Applicants believe that the present application is in condition for allowance. Applicants therefore request favorable reconsideration of the application as amended, and the issuance of a timely notice of allowability. Examiner Pryor is courteously invited to contact the undersigned by telephone if he feels that a further telephone interview is necessary to resolve any additional issues.

Respectfully submitted,

Date Dec. 22, 2006

By 

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

¹ Applicants' representative also pointed out that allowed claim 44 recites the same term, and that allowed claim 35 is identical in all respects to claim 37 except for the term at issue.